

REMARKS

Claims 1-21 are pending in the Application.

Claims 2-4, 7 and 8 are now rejected under U.S.C. §112, second paragraph, for having a lack of antecedent basis. Applicant amended claims 2-4, 7 and 8, as indicated above, to remove the antecedent basis problems as indicated by the Examiner on page 4 of the present Office Action. Applicant notes that claims 2-4, 7 and 8 were amended to correct typographical mistakes and not to overcome prior art. Hence, no prosecution history estoppel arises from the amendments to claims 2-4, 7 and 8. *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 62 U.S.P.Q.2d 1705, 1711-12 (2002); 56 U.S.P.Q.2d 1865, 1870 (Fed. Cir. 2000). Further, the amendments made to claims 2-4, 7 and 8 were not made for a substantial reason related to patentability and therefore no prosecution history estoppel arises from such amendments. *See Festo Corp.*, 62 U.S.P.Q.2d 1705 at 1707 (2002); *Warner-Jenkinson Co. v. Hilton Davis Chemical Co.*, 41 U.S.P.Q.2d 1865, 1873 (1997).

Claims 1-21 are now rejected under 35 U.S.C. §112, second paragraph, for being indefinite. Claims 1-2, 7 and 16-17 are now rejected under 35 U.S.C. §102(b) as being anticipated by Joffe (U.S. Patent No. 5,440,523). Claims 3 and 4 are now rejected under 35 U.S.C. §103(a) as being unpatentable over Joffe. Claims 1-3, 5-8, 10-17 and 20 remain rejected under 35 U.S.C. §102(b) as being anticipated by Mathur (U.S. Patent No. 6,424,658). Claims 1-3, 7, 16-17 and 20-21 remain rejected under 35 U.S.C. §102(e) as being anticipated by Curtis et al. (U.S. Patent No. 6,925,086) (hereinafter "Curtis"). Claim 21 remains rejected under 35 U.S.C. §103(a) as being unpatentable over Mathur. With respect to all these rejections, Applicant respectfully reinstates the Appeal Brief filed on August 25, 2006 by filing herewith a second notice of appeal in compliance with 37 C.F.R. §41.31 and filing separately a complete new Appeal Brief (referred to as the "Second Appeal Brief") in compliance with 37 C.F.R. §41.37. Applicant notes that any fees paid for the first notice of appeal and for the first Appeal Brief previously paid will be applied to this second appeal.

Respectfully submitted,

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